

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA)
) Case No.: 5:24-mj-60
v.)
)
FRANK LUCIO CARILLO)
)

MOTION TO SEAL

Comes now the United States of America through its attorney and requests that the Affidavit in Support of the Criminal Complaint, ECF No. 1-1, be placed under seal and that a redacted Affidavit in Support of the Criminal Complaint be placed on the docket instead.

Redaction is a less restrictive alternative that preserves the public's right to qualified access to public documents while preserving a countervailing compelling interest. When considering to seal, a court "must consider less drastic alternatives to sealing." *Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 576 (4th Cir. 2004). "The right of access may be denied only where the Government demonstrates '(1) that a compelling governmental interest requires the materials be kept under seal and (2) there is no less restrictive means, such as *redaction*, available.'" *United States v. Oliver*, 2000 WL 263954, *2 (4th Cir. 2000) (quoting *In re Search Warrants Issued Aug. 29, 1994*, 889 F. Supp. 296, 299 (S.D. Ohio 1995)) (*emphasis added*). Further the proponent of sealing must show "no adequate alternatives to sealing." *United States v. Doe*, No. 19-6152, 2020 WL 3263893, at *10 (4th Cir. June 17, 2020).

Courts have considered redaction to be a less restrictive means in this context. *See generally In re Search of 8420 Ocean Gateway Easton, Md.*, 353 F. Supp. 2d 577, 584 (D. Md.), *aff'd sub nom. In re Search Warrants Issued on Apr. 26, 2004*, 353 F. Supp. 2d 584 (D. Md. 2004)

(rejecting sealing, but imposing redaction); *In re Search of 14416 Coral Gables Way, N. Potomac, Md.*, 946 F. Supp. 2d 414, 428 (D. Md. 2011) (rejecting sealing, but imposing redaction).

Here, redaction of the Affidavit in Support of the Criminal Complaint is a less restrictive means. The Government's proposed redactions remove victim and witness names and the defendant's address. No interest is served by leaving this information unredacted.

For the reasons set forth above, the Government respectfully moves the Court to seal the Affidavit in Support of Criminal Complaint, ECF No. 1-1, and enter the redacted Affidavit in Support of Criminal Complaint on the docket.

Respectfully submitted,

CHRISTOPHER KAVANAUGH
United States Attorney

Date: August 5, 2024

s/Sean M. Welsh
Sean M. Welsh
Assistant United States Attorney